

House Study Bill 619

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to automatically rescind on a periodic basis all
2 administrative rules and require periodic review of all
3 administrative rules.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6383YC 81
6 jr/gg/14

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1 1 Section 1. NEW SECTION. 17A.5A RECISION AND REVIEW OF
1 2 ADMINISTRATIVE RULES.
1 3 1. RECISION OF ADMINISTRATIVE RULES.
1 4 a. An administrative rule is rescinded ten years after the
1 5 initial effective date of the rule, excluding the effective
1 6 dates of later amendments, unless the rule is again adopted by
1 7 the agency, following the review process conducted pursuant to
1 8 subsection 2.
1 9 b. For rules that are in effect on July 1, 2006, the
1 10 recision date is July 1, 2016.
1 11 2. PERIODIC REVIEW OF ADMINISTRATIVE RULES. Over a ten=
1 12 year period of time, an agency shall conduct an ongoing and
1 13 comprehensive review of all of the agency's rules. The goal
1 14 of the review is the identification and elimination of all
1 15 rules of the agency that are outdated, redundant, overbroad,
1 16 ineffective, unnecessary, or otherwise undesirable. An agency
1 17 shall commence its review by developing a plan of review in
1 18 consultation with major stakeholders and constituent groups.
1 19 As part of its review, an agency shall review existing policy
1 20 and interpretive statements or similar documents to determine
1 21 whether it would be necessary or appropriate to adopt these
1 22 statements or documents as rules.
1 23 a. An agency shall establish its ten=year plan for review
1 24 of its rules and publish the plan in the Iowa administrative
1 25 bulletin.
1 26 b. An agency's plan for review shall do all of the
1 27 following:
1 28 (1) Contain a schedule that lists when the review of each
1 29 rule or group of rules will occur.
1 30 (2) State the method by which the agency will determine
1 31 whether the rule under review meets the criteria listed in
1 32 paragraph "c".
1 33 (3) Provide a means for public participation in the review
1 34 process and specify how interested persons may participate in
1 35 the review.
2 1 (4) Identify instances where the agency may require an
2 2 exception to the review requirements.
2 3 c. An agency shall consider all of the following criteria
2 4 when reviewing its rules:
2 5 (1) The need for the rule.
2 6 (2) The clarity of the rule.
2 7 (3) The intent and legal authority for the rule.
2 8 (4) The qualitative and quantitative benefits and costs of
2 9 the rule.
2 10 (5) The fairness of the rule.
2 11 d. When an agency completes its ten=year review of its
2 12 rules, the agency shall provide a summary of the results to
2 13 the administrative rules coordinator and the administrative
2 14 rules review committee.
2 15 EXPLANATION
2 16 This bill rescinds each administrative rule 10 years after
2 17 the rule's initial effective date. The bill also requires

2 18 that each state agency review all of its administrative rules
2 19 on a 10-year cycle. The plan for this review must be
2 20 developed in consultation with stakeholders and constituent
2 21 groups. The goal of the review is the identification and
2 22 elimination of all rules of the agency that are outdated,
2 23 redundant, overbroad, ineffective, unnecessary, or otherwise
2 24 undesirable.
2 25 LSB 6383YC 81
2 26 jr:rj/gg/14